

RED HILL VALLEY PARKWAY INQUIRY

AFFIDAVIT OF STEPHANIE PAPARELLA
(affirmed August 31, 2022)

I, STEPHANIE PAPARELLA, of the City of Brantford, in the Province of Ontario,
MAKE OATH AND SAY:

1. I am one of six Legislative Coordinators in City of Hamilton Clerk's Office. I act as Clerk for the General Issues Committee ("GIC"), the Grants Sub-Committee, the Non-Union Compensation Sub-Committee, the Multi-Year Budget Planning Sub-Committee and for shareholder meetings of the Hamilton Utilities Corporation, the Sole Voting Member of the Hamilton Farmer's Market, Hamilton Renewable Power Inc., Hamilton Street Railway, and Hamilton Enterprises Holding Corporation, and as such have knowledge of the matters set out below, except where this knowledge is based on information and belief, in which case I state the source of that information and verily believe it to be true.

2. At the City, Legislative Coordinators receive reports from various staff within the City for presentation to the standing committees or sub-committees for their consideration, and to ensure that the recommendations in those reports are worded in a clear and complete manner and are not missing information.

3. Generally speaking, the role of Legislative Coordinators is also to prepare agendas for committee and sub-committee meetings, prepare minutes of those meetings, send the

Standing Committee reports to Council for consideration/ratification, prepare the Council follow-up notice to advise the Senior Leadership Team of Council outcomes, and circulate issues on the outstanding business list to the Senior Leadership Team. In addition, Legislative Coordinators provide procedural advice during standing committee and sub-committee meetings.

4. Agenda items for committee meetings are determined by the Senior Leadership Team for City departments, which includes the City Manager and General Managers of each Department. Legislative Coordinators assess whether items are within the mandate of the committees they serve, pursuant to the City of Hamilton Procedural By-law, or if the items should go to another committee. If those items are within the mandate of the committee, the Legislative Coordinator will put the item on the committee's agenda. If not, the Legislative Coordinator will advise staff of the appropriate committee.

5. Legislative Coordinators circulate the annual committee/council calendar to members of the Senior Leadership Team to disseminate to their staff, which contains deadlines for receipt of reports. Those deadlines are approximately two weeks in advance of the meeting. The agendas were printed (prior to COVID) and are published on the City's website and in eScribe, the City's meeting management software, the week prior to the meeting.

6. In my practice, I will accept late reports and add them as an addendum to the agenda or add them to an existing addendum if applicable. I have accepted reports until the night before a committee meeting, depending on the Senior Leadership Team's assessment of importance and urgency. My practice is to accept reports only once they

are signed by the appropriate General Manager/Director, or where it is a joint report from two divisions, both divisions have signed off and provided final instructions to proceed.

7. GIC is a standing committee that reports to Council. This was set out in By-Law No. 18-270, which was in force from September 2018 until February 2021 (RHV0000627). By-Law No. 18-270 is referenced in Overview Document 2. All councillors are members of GIC and of Council.

8. GIC is where councillors consider staff reports, sub-committee/advisory committee reports from the committees that report up to GIC and motions, ask questions of City staff, direct staff to report back with further information, and debate issues. Delegates may attend at GIC meetings.

9. Council is the ratifying body for GIC and all of the other standing committees. Council meetings do not include delegations. Council may refer matters to other standing committees, which would be documented in the minutes of the Council meeting by a resolution made during open session. There have been circumstances where councillors have received a report for the first time in a Council meeting instead of at GIC, due to timing, and the Clerk has allowed it. In my experience, these circumstances are not common.

10. The GIC receives items based on its mandate, as set out in By-Law No. 18-270 and its successor by-laws; currently 21-021. Its mandate includes, among other things, to review and monitor Council's Strategic Plan and the Corporate Strategic Plan, the annual Capital, Rate and Operating Budgets, labour relations matters, and to receive

briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters.

11. In my experience, on occasion, there is overlap between items that are within GIC's mandate (for example, litigation or potential litigation) and the mandates of other standing committees. In those cases, I may provide GIC with report(s) concerning litigation or potential litigation and any report(s) for another committee related to that litigation or potential litigation, when requested to do so by the Mayor or a member of the Senior Leadership Team, to ensure that all members of Council are aware of the full matter.

12. As a standing committee, GIC must meet at least once monthly. In practice, it meets at least twice monthly, usually every other Wednesday. At these meetings, the GIC has a general agenda with items within its mandate.

13. A special GIC meeting is a GIC meeting on a specific date, outside of the dates that are provided in By-Law No. 18-270 and its successor by-laws. A special GIC meeting may be held any day of the week or any time of the day. A special GIC meeting will deal with the specific matter it was called for only, and often one that is anticipated to require a lengthy discussion. In my experience, special GIC meetings are sometimes held to deal with matters of litigation or potential litigation where the matter is very contentious. Generally, senior leadership make requests for a special GIC meeting, but councillors may do so as well. A special Council meeting is a Council meeting on a specific date outside of the dates that are provided in the procedural bylaw, generally to ratify items from a special GIC meeting or other standing committee meeting.

14. A Legislative Coordinator requires the approval of the Mayor to set a special GIC meeting. While I do advise the Mayor of the subject matter for a proposed special GIC meeting when requesting approval, I do not fully brief the Mayor on the issue. I may provide a summary of staff's request for the meeting, if I have this information, or I will refer the Mayor to requesting staff.

15. I generally do not contact Legal Services about reports I receive, except in respect of reports authored by Legal Services or that directly relate to matters of litigation or potential litigation.

16. If an item is moved from a published GIC or PWC agenda that has incorrectly been listed on that agenda (not within the committee's mandate) before the meeting takes place, the item can be simply moved from one agenda to another, with a notation under the "Approval of the Agenda" section of the agenda, advising that it was published on the wrong agenda and on which standing committee agenda it will be considered. If an item is requested to be moved from a published agenda at PWC to GIC, that is within the PWC mandate, the PWC should move a motion to refer the item to GIC, at a PWC meeting in open session.

17. In January 2019, I exchanged emails with various city staff and Mayor Eisenberger in respect of the forum and timing of reports related to the Red Hill Valley Parkway (the "RHVP") and the Lincoln M. Alexander Parkway (the "LINC").

18. On January 25, 2019, Ms. Alicia Davenport, a legislative coordinator, emailed me three reports relating to the RHVP and LINC to be included on the upcoming February 6, 2019 GIC agenda. Later that day, I responded by email and advised that I spoke with Ms.

Nicole Auty, Legal Counsel to the City of Hamilton, and was advised to withhold the reports for the time being. (HAM0054306_0001, referenced in OD9, para 696).

19. I do not recall the specifics of Ms. Auty's request or our conversation, but my typical practice is to withhold reports upon request if senior leadership or legal counsel requires additional time to review the reports or provide additional information.

20. Between January 26 and 30, 2019, I was copied and/or was involved in email exchanges with Mike Zegarac, Acting City Manager, Mayor Eisenberger, and other staff about in respect of the forum and timing of reports related to the Red Hill Valley Parkway. (HAM0054312_0001, referenced in OD9, para 711-712). I do not have an independent recollection of the events or discussions reflected in the correspondence outlined above other than the information contained in the emails.

21. On January 30, 2019, Mayor Eisenberger emailed me and Mr. Zegarac regarding the "GIC meeting regarding the Redhill surface report". In this email chain, Mayor Eisenberger requested that I place all the Public Works reports related to the "Redhill road surface, construction etc" on the February 6, 2019 GIC agenda and schedule an in-camera session for the "legal issues and report". I replied that I would do so. (HAM0054330_0001, referenced in OD9, para 729).

22. I understood that some of the reports were related to litigation or potential litigation, which are within the mandate of GIC. I provided my response to the request, advising that I would put all reports related to this matter on the GIC agenda; the confidential reports intended for a closed session and non-confidential reports prepared for the Public Works

Committee as part of one package, to ensure that members of GIC had the full picture before considering the matter.

23. It is my typical practice to discuss matters relating to in-camera items in person or by phone, rather than by email, for the purposes of ease of communication, expediency, and to preserve the confidentiality of such matters.

24. I make this affidavit for use in the Red Hill Valley Parkway Inquiry.

Affirmed remotely by Stephanie Paparella
of the City of Brantford before me in the
City of Toronto in the Province of Ontario,
this 31st day of August, 2022, in
accordance with O. Reg. 431/20,
Administering Oath or Declaration
Remotely


A Commissioner for Taking Affidavits


Stephanie Paparella